

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EVIN GALIK,)	CV F 03 5205 REC WMW HC
)	
Petitioner,)	ORDER GRANTING MOTION TO DISMISS
)	UNEXHAUSTED CLAIMS AND VACATING
v.)	FINDINGS AND RECOMMENDATIONS
)	
CHERYL PLILER, et al.,)	[Doc. 13, 12]
)	
Respondent.)	
_____)	

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 2254.

On July 18, 2005, Petitioner filed a motion to withdraw his unexhausted claims, specifically, claims 2 and 3, and to proceed only with claims 1 and 4. Respondent has not opposed or otherwise responded to Petitioner's motion. Good cause appearing, Petitioner's motion will be granted.

Accordingly, IT IS HEREBY ORDERED as follows:

- 1) Petitioner's motion to withdraw claims 2 and 3 is GRANTED and this case shall proceed on claims 1 and 4 only;

- 1 2) The findings and recommendations entered by the court on January 27, 2005, are HEREBY
2 VACATED;
3 3) Respondent having addressed the merits of Petitioner's claims in the answer, the court will
4 next enter appropriate orders addressing the merits of the petition.
5
6

7 IT IS SO ORDERED.

8 **Dated: September 6, 2005**
9 bl0dc4

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE